

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL
RECEIVED

AUG 26 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 94-69
Table of Allotments) RM-8490
FM Broadcast Stations)
(Grenada, Mississippi))

To: Acting Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

DOCKET FILE COPY ORIGINAL

COUNTERPROPOSAL

Robert E. Evans, III ("Evans"), by his counsel, hereby files a counterproposal to the Notice of Proposed Rule Making, 9 FCC Rcd 3152 (1994), which proposes to allot Channel 295A at Grenada, Mississippi, as its second local FM service. Evans proposed instead to allot Channel 295A to Crenshaw, Mississippi, as its first local service. In support hereof, Evans states as follows:

1. Crenshaw (population 978)^{1/} is located partly in Panola County (population 29,996) and partly in Quitman County (population 10,490). See Appendix 1. Crenshaw has a Mayor/Alderman form of government, its own water system, full-

^{1/} All population figures are taken from the 1990 U.S. Census.

No. of Copies rec'd 044
List ABCDE

time police staff and a 30-man volunteer fire department. Crenshaw also has its own schools (Crenshaw Elementary), churches (Crenshaw Baptist and Crenshaw Methodist) and approximately 25 businesses. Thus, Crenshaw qualifies as a community under Section 307(b) of the Communications Act of 1934, as amended.

2. As indicated in the attached channel study, Channel 295A can be allotted to Crenshaw at the coordinates 34° 28' 36" NL and 90° 07' 38" WL in compliance with Section 73.207 of the Commission's Rules and provide a city grade signal to Crenshaw.

3. Grenada already has two local services: WYKC(AM) and WQXB(FM). According to the Commission's allotment priorities, a first local service at Crenshaw would be preferred to a third local service at Grenada. Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). Evans hereby states that should Channel 295A be allotted to Crenshaw, he will apply as an individual or as part of an entity for this channel and construct and operate the station to serve Crenshaw with its first local service.

Accordingly, Robert E. Evans, III hereby urges the Commission to allot Channel 295A to Crenshaw, Mississippi, as its first local service.

Respectfully submitted,

ROBERT E. EVANS, III

By: Mark N. Lipp
Mark N. Lipp

Mullin, Rhyne, Emmons and Topel, P.C.
1225 Connecticut Avenue--Suite 300
Washington, D.C. 20036
(202) 659-4700

His Counsel

August 26, 1994

CERTIFICATION

I, Paul Reynolds, hereby certify the following: that I am an independent broadcast consultant; that I hold a Bachelor of Science degree in Communications from the University of Southern Mississippi and have completed course work for a Masters Degree in Communications from the University of Alabama; I have been a practicing consultant since 1980, and I am familiar with the Commission's rules and regulations; I have filed numerous petitions and applications in association with Amerimedia, Inc., and my qualifications are known in the industry and at the Commission; I have been retained by Robert E. Evans, III, to prepare this Engineering Statement in support of a "Counterproposal in MM Docket 94-69" proposing the allocation of channel 295A at Crenshaw, Mississippi.

All information in this engineering statement was prepared by me or under my direct supervision. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signed


PAUL REYNOLDS, CONSULTANT

THIS 25th DAY OF AUGUST, 1994

415 NORTH COLLEGE STREET
GREENVILLE, ALABAMA 36037
(205) 382-8048

ENGINEERING STATEMENT

In support of a

COUNTERPROPOSAL

**CRENSHAW, MISSISSIPPI
MM DOCKET 94-69, RM-8490**

Robert E. Evans, III, Individually

HISTORY

The instant engineering statement is submitted in support of a Counterproposal in the above captioned Notice of Proposed for Rule Making. Robert E. Evans, III, is hereby requesting that the Commission allocate channel 295A to Crenshaw, Mississippi, in lieu of the proposed allocation of channel 295A at Grenada, Mississippi, being proposed by the NPRM.

Channel 295A can be allocated to Crenshaw as its first local service due to the recent actions of two other stations; WAID(FM) Clarksdale, Mississippi, constructing at its new class C2 CP site and abandoning its previous class C2 CP site, and WQLJ(FM) Oxford, Mississippi, modifying its licensed operation from channel 296A to channel 229C3. These actions are completed and will reflect in the data base, therefore, channel 295A can be allocated to Crenshaw as proposed by Evans.

METHODS

The instant study involved establishing a set of reference coordinates for the community of Crenshaw. The

Community Reference Data Base uses the coordinates: 34°(Degrees), 30'(Minutes), 00"(Seconds) NL; 90°(Degrees), 12'(Minutes), 00"(Seconds) NL. An allocation study was conducted using these coordinates and channel 295A. This reference demonstrates that channel 295A can be allocated to Crenshaw as a first local if a site restriction of 7.18 kilometers (4.46 miles) is used. The set of reference or study coordinates give the necessary separation to WWYN(FM) McKenzie, Tennessee, on co-channel 295C1 and KXFE(FM) Dumas, Arkansas, on co-channel 295C3. These coordinates consider the previously discussed changes on the part of WAID and WQLJ.

EXHIBITS EXPLAINED

Exhibit E, Figure 1 is an allocation study using the 7.18 kilometer site restriction as reference. This study depicts a 19.26 kilometer short space to WAID(FM) Clarksdale, Mississippi, and a 12.11 kilometer short space to WQLJ(FM) Oxford, Mississippi. However, these are of no concern since channel WAID has constructed at its new CP site as a class C2 on channel 293C2 (shown in the study as an application site with a 3.45 kilometer clearance) and WQLJ is also operating on its new channel of 229C3.

Exhibit E, Figure 2 is a computer generated contour graph depicting that an antenna location "window" exist for the allocation of channel 295A at Crenshaw. The location

window is such that no problems will be encountered in securing a site that provides the necessary 70 dBu service to Crenshaw.

Exhibit E, Figure 3 is a portion of a State of Mississippi, USGS 1:500,000 scale map. The reference coordinates are plotted and the 16.2 kilometer class A 70 dBu contour drawn-in. An official map of the community of Crenshaw was used to transfer the city boundaries to the USGS map. As depicted by this exhibit, the allocation of channel 295A at Crenshaw more than provides the required city contour service to Crenshaw.

CONCLUSION

The instant engineering study demonstrates that channel 295A can be allocated to Crenshaw as that community's first broadcast service since channel 293C2 at Clarksdale has been constructed at a site which clears this allocation, and channel 229C3 has been substituted for channel 296A at Oxford and WQLJ has begun operations on that channel. These factors are not possibilities or contingencies, since the both WAID and WQLJ are either licensed or have a Form 302 pending at the time the Evans Counterproposal is filed.

ENGINEERING STATEMENT

In support of a

COUNTERPROPOSAL

[MM DOCKET 94-09, RM 8490]
 Channel 295A, Crenshaw, Mississippi
 ROBERT E. EVANS, III

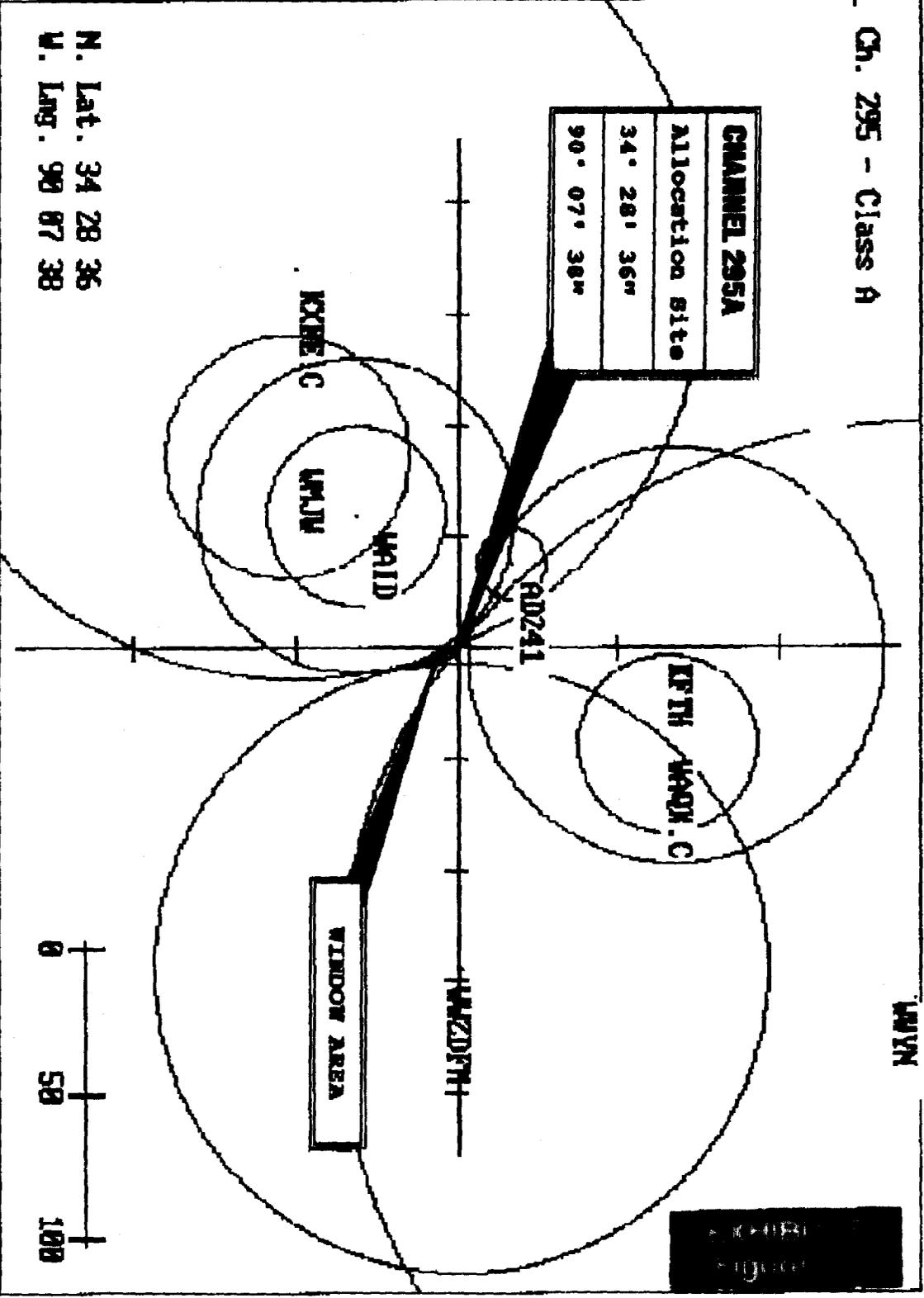
ALLOCATION STUDY
[DEPICTING ALLOCATION OF CHANNEL 295A @ CRENSHAW, MISSISSIPPI]
(USING 7.18 KM SITE RESTRICTION AS REFERENCE)

34 28 36 N. 90 07 38 W.	Class A Current rules spacings Channel 295 -106.9 MHz					Search Date 08-25-19	
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
Community of Crenshaw			MS	291.1	7.18		
Reference Coordinates: 34-30-00 90-12-00							
WAID.C 293C2 Clarksdale			MS	220.6	35.74	55.0	-19.26 *
Of No Concern Operating as Class C2 @ Application Site Shown Below							
WQLJ 296A Oxford			MS	107.3	59.89	72.0	-12.11 *
Of No Concern Reassigned to Ch 229C3 MM Docket 91-277							
WWYN 295C1 Mckenzie			TN	37.8	200.00	200.0	0.00 *
KXFE.C 295C3 Dumas			AR	246.8	142.62	142.0	0.62 *
KFTH 296A Marion			AR	2.2	75.45	72.0	3.45 *
WAID.A 293C2 Clarksdale			MS	232.5	58.45	55.0	3.45 *
WWZDFM 294C2 New Albany			MS	89.5	112.68	106.0	6.68 *
AD241 241C3 Tunica			MS	303.3	34.81	12.0	22.81
WAID 292A Clarksdale			MS	232.5	58.45	31.0	27.45
WMJW 298C3 Rosedale			MS	228.5	88.82	42.0	46.82
WAQK.C 298A Germantown			TN	25.0	79.89	31.0	48.89

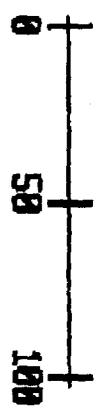
EXHIBIT
Figure

Ch. 295 - Class A

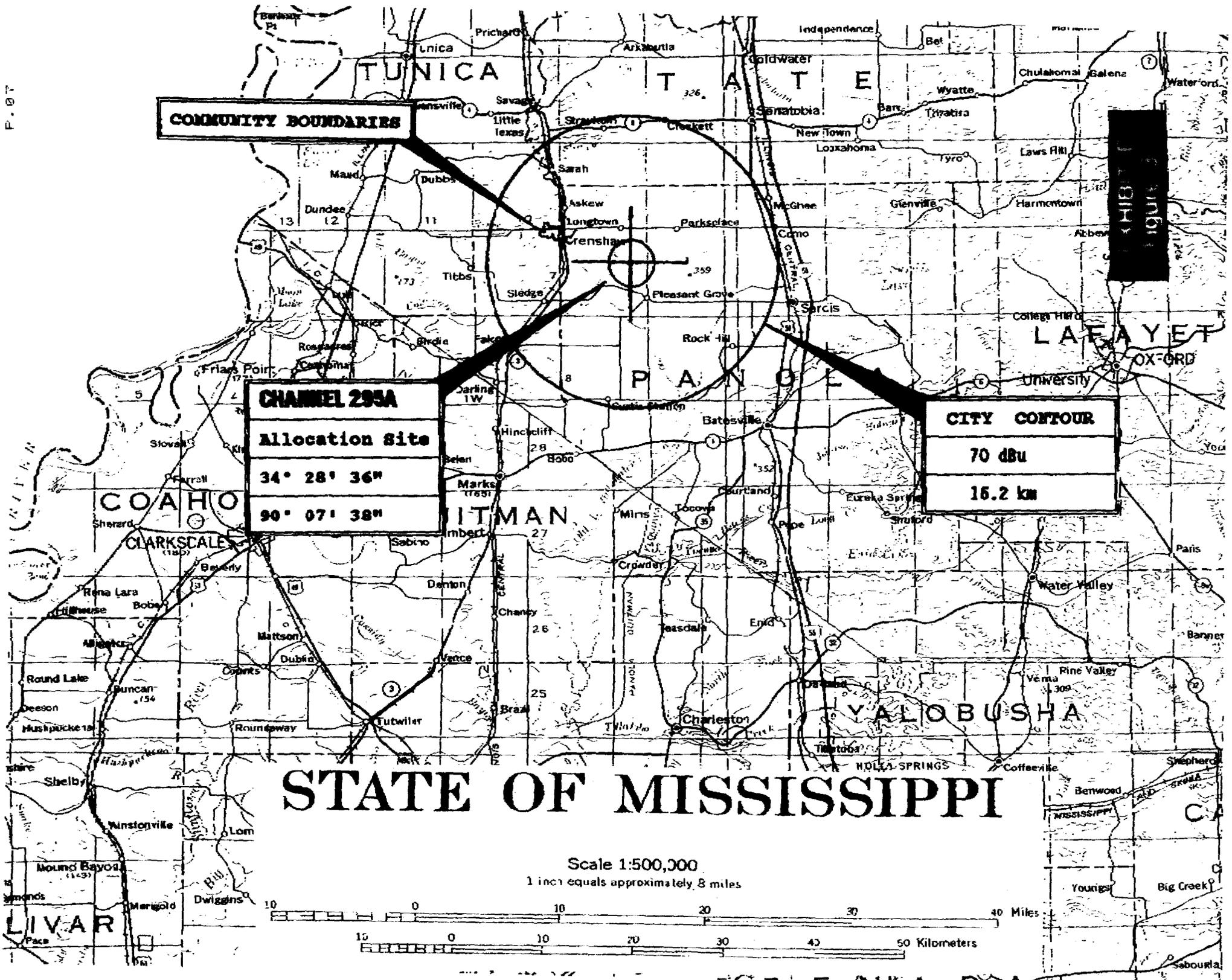
CHANNEL 295A
Allocation Site
34° 28' 36"
90° 07' 38"



N. Lat. 34 28 36
 W. Long. 90 07 38



KXBE C
 WAGON



Scale 1:500,000
1 inch equals approximately 8 miles

0 10 20 30 40 Miles

0 10 20 30 40 50 Kilometers

APPENDIX 1

Table 2. Age: 1990—Con.

[For definitions of terms and meanings of symbols, see text]

State County Place and [in Selected States] County Subdivision	All persons	Age												Median age
		Under 5 years	16 years and over	18 years and over	18 to 20 years	21 to 24 years	25 to 44 years	45 to 54 years	55 to 59 years	60 to 64 years	65 years and over	75 years and over	85 years and over	
PLACE AND COUNTY SUBDIVISION— Con.														
Clinton city, Hinds County	21 847	1 481	16 478	15 843	1 391	1 583	7 110	2 407	826	697	1 829	802	202	30.5
Colburn town, Cochise County	254	32	160	151	15	19	52	12	9	6	38	20	1	22.5
Coffeyville town, York County	825	62	632	613	35	39	197	72	34	52	184	103	23	37.3
Colchester town, Tate County	1 502	130	1 111	1 060	85	92	402	133	62	64	222	111	28	30.3
Collins city, Covington County	2 541	206	1 826	1 746	102	174	633	242	102	106	387	192	50	31.0
Columbia city, Lowndes County	1 364	76	1 073	1 016	72	56	436	144	69	62	177	80	16	35.0
Columbus city, Marion County	6 815	443	5 230	5 046	286	321	1 687	646	317	357	1 432	713	165	36.4
Columbus city, Lowndes County	23 799	1 891	18 070	17 290	1 386	1 716	6 605	2 152	1 052	1 001	3 378	1 578	394	31.1
Columbus AFB CDP, Lowndes County	2 890	416	2 054	2 017	142	637	1 191	39	—	—	8	6	—	23.9
Como town, Panama County	1 387	108	1 023	979	79	89	360	111	60	71	209	96	24	30.8
Conalata CDP, Newton County	1 925	116	570	532	47	67	225	83	24	26	60	15	3	22.3
Corinth city, Alcorn County	11 820	738	9 398	9 065	444	555	3 058	1 248	585	584	2 591	1 266	336	39.0
Courtsland town, Panama County	329	29	232	223	10	21	116	28	12	9	27	7	3	29.0
Crawford town, Lowndes County	668	79	417	382	34	45	179	36	21	15	52	27	5	22.0
Crawshaw town Panola County	978	109	674	628	50	49	254	64	35	35	141	71	15	27.5
Quinn County	748	86	513	482	36	34	195	48	26	29	114	57	12	28.1
Quitman County	230	23	161	146	14	15	59	16	9	6	27	14	3	25.6
Crosby town Amite County	465	58	316	305	28	28	128	38	8	11	64	25	3	27.1
Wilkinson County	166	27	122	119	7	11	48	17	2	5	29	13	1	30.0
Quitman County	299	31	194	186	21	17	80	21	6	6	35	12	2	24.7
Crowder town Panola County	758	70	551	524	37	43	194	93	30	33	94	43	6	29.6
Quitman County	299	35	194	184	21	22	70	25	9	10	27	12	2	23.7
Quitman County	459	35	357	340	16	21	124	68	21	23	67	31	4	35.7
Cruger town, Holmes County	548	51	359	336	43	28	133	21	16	31	64	34	7	23.9
Crystal Springs city, Copiah County	5 643	421	4 217	3 893	485	297	1 389	471	229	192	830	374	83	28.9
Decatur town, Newton County	1 248	83	1 049	1 002	352	81	225	89	36	46	173	70	11	21.7
De Kalb town, Kemper County	1 073	74	821	794	34	32	248	96	57	64	263	156	57	40.0
Demo town, Calhoun County	959	80	700	660	42	62	277	91	46	30	112	58	7	30.3
Diamondfield CDP, Hancock County	2 661	124	2 320	2 275	44	53	596	359	225	315	683	122	23	32.1
D'Iberville city, Harrison County	6 566	513	4 872	4 645	321	408	2 118	734	322	224	518	165	35	30.4
D'Lo town, Simpson County	421	25	325	307	16	14	118	36	17	20	86	36	3	37.3
Doddsville town, Sunflower County	149	21	97	94	5	8	40	5	3	8	25	9	1	28.0
Drew city, Sunflower County	2 349	210	1 639	1 570	126	130	557	191	101	94	371	157	31	29.6
Duck Hill town, Montgomery County	586	35	463	442	42	28	139	68	31	32	102	45	13	36.3
Dumas town, Tippah County	407	39	316	303	23	33	103	44	16	17	67	28	3	32.1
Duncan town, Bolivar County	416	40	301	292	20	17	62	34	15	25	119	76	26	40.0
Durant city, Holmes County	2 838	241	1 989	1 882	111	136	674	254	101	119	487	230	77	31.0
Ecu town, Pontotoc County	696	43	543	528	25	43	210	61	30	41	118	59	9	35.6
Edan village, Yazoo County	88	9	59	56	4	—	28	7	4	2	11	5	—	29.4
Edwards town, Hinds County	1 279	126	872	825	58	58	360	97	46	43	163	79	24	28.3
Ellenville city, Jones County	3 634	163	2 974	2 874	253	184	1 048	335	199	169	686	341	100	36.4
Enterprise town, Clarke County	477	32	378	359	16	29	110	45	23	30	106	53	12	39.0
Escatawpa CDP, Jackson County	3 902	334	2 825	2 696	192	203	1 274	465	160	135	267	88	12	30.2
Ethel town, Attala County	454	38	333	320	18	22	113	38	18	20	91	54	11	33.6
Eupora town, Webster County	2 145	174	1 597	1 547	77	122	508	209	89	92	450	254	79	34.5
Falcon town, Quitman County	167	25	109	104	9	13	39	5	4	5	29	12	2	24.4
Fallaker town, Tippah County	232	16	165	161	6	8	64	15	16	10	42	17	9	35.2
Fayette city, Jefferson County	1 853	164	1 243	1 169	100	106	505	137	74	60	187	81	20	26.6
Flore town, Madison County	1 482	90	1 071	1 026	58	90	438	142	74	62	162	80	17	30.5
Florence town, Rankin County	1 831	107	1 416	1 354	95	104	590	203	85	82	195	84	18	32.9
Flowood town, Rankin County	2 860	181	2 276	2 227	89	275	1 232	250	119	67	195	87	15	29.5
Forest city, Scott County	5 060	445	3 612	3 432	224	278	1 348	428	210	240	704	319	94	30.6
French Camp village, Choctaw County	320	7	211	160	33	1	52	35	9	8	22	12	3	18.0
Friars Point town, Cochise County	1 334	140	866	824	68	83	320	89	46	44	174	87	22	25.3
Fulton city, Howards County	3 387	175	2 795	2 714	466	154	733	324	150	182	705	329	98	35.8
Gartman village, Monroe County	120	7	91	87	2	4	43	12	1	6	19	4	—	36.0
Gautier city, Jackson County	10 088	841	7 194	6 781	486	522	3 221	1 171	429	318	634	207	41	29.7
Georgetown town, Copiah County	332	35	236	232	12	21	88	37	16	13	45	24	4	29.5
Glendon village, Tallahatchie County	165	23	87	79	12	2	32	10	5	5	17	11	2	17.3
Gloster town, Amite County	1 323	116	922	880	45	61	348	105	40	66	215	97	19	30.8
Golden town, Tishomingo County	202	9	167	165	16	11	48	11	11	26	42	21	7	40.0
Goodman town, Holmes County	1 256	104	940	901	315	88	253	75	33	31	106	65	16	20.5
Greenville city, Washington County	45 226	3 846	31 825	30 175	2 217	2 298	12 703	3 863	1 722	1 803	5 569	2 532	610	29.7
Greenwood city, Leflore County	18 906	1 543	13 550	12 957	798	938	5 158	1 506	697	796	3 064	1 437	344	31.2

CERTIFICATE OF SERVICE

I, Veronica Abarre, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, P.C., do hereby certify that a copy of the foregoing "COUNTERPROPOSAL" was mailed by first class U.S. Mail, postage prepaid, on this 26th day of August, 1994, to the following:

* Ms. Pamela Blumenthal
Allocations Branch
Federal Communications Commission
2025 M Street, N.W.--Room 8308
Washington, D.C. 20554

Larry G. Fuss, President
Delta Radio, Inc.
P.O. Box 1438
Cleveland, MS 38732


Veronica Abarre

* Hand Delivered